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Fresno, California

August 15, 2000

The City Council met in regular session at the hour of 8:45.m. in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Tom Boyajian	Council President

Andy Souza, Interim City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

**(8:30 A.M.) PRESENTATION BY IAFF, LOCAL 753 FRESNO FIREFIGHTERS ON LABOR ISSUES**

Presentation made by Al Rush, Firefighters Association, who submitted written material, a copy of which is on file in the office of the City Clerk, and reviewed issues outstanding in the negotiation process.

Barbara Hunt, 944 "F" Street, spoke to the issue.

Interim City Manager Souza, Labor Relations Manager Aguiniga and Mr. Rush clarified issues and responded to questions of Councilmembers Perea and Ronquillo relative to agency shop, how increases were determined, a multi-year agreement, annual leave plan, past elimination of positions, and sick leave policy. There was no further discussion.

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**(9:00 A.M. - 12:00 NOON) CLOSED SESSION**

**(“A”) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JORGE AGUINIGA, ANDREW SOUZA - EMPLOYEE ORGANIZATIONS: AMALGAMATED TRANSIT UNION (ATU) LOCAL 1027; IAFF NON-MANAGEMENT UNIT 5, IAFF MANAGEMENT UNIT 10 FIREFIGHTERS AND FRESNO POLICE OFFICERS ASSOCIATION (FPOA)**

**(“B”) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:**

1. FENTRESS BRADBURN ARCHITECTS, LTD. V. CITY OF FRESNO
2. PACIFIC BELL V. CITY OF FRESNO, FRESNO DIAMOND GROUP
3. CHAMPION INDUSTRIAL CONTRACTORS, INC. V. CITY OF FRESNO

(“C”) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAME: CITY OF FRESNO V. DAN GREEN’S WOOD RECYCLING, INC.

The City Council met in closed session in Room 2125 at the hour of 9:35 a.m. to consider the above issues and reconvened in regular open session at 1:37 p.m.

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District 4 Council Assistant Kinabrew gave the invocation (**2 - 0**) and led the Pledge of Allegiance to the Flag.

PROCLAMATION OF “MAC FOSTER DAY” - PRESIDENT BOYAJIAN

PRESENTATION OF CERTIFICATES TO FRESNO UNIFIED SCHOOL DISTRICT’S EDUCATION PROGRAM  
- COUNCILMEMBER QUINTERO

The above proclamation and certificates were read and presented.

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APPROVE MINUTES OF JULY 25, 2000

On motion of Councilmember Perea, seconded by Acting President Bredefeld , duly carried, RESOLVED, the minutes of July 25<sup>th</sup> approved as submitted.

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**APPROVE AGENDA:**

**(1A-2) AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE 21<sup>ST</sup> DISTRICT AGRICULTURAL ASSOCIATION FOR POLICING AND LAW ENFORCEMENT SERVICES AT THE 2000 FRESNO FAIR**

Removed from the agenda at the request of staff.

**(1A-15) \* RESOLUTION - 14<sup>TH</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$29,400 TO FUND THE ADDITION OF A SENIOR SECRETARY POSITION IN THE DEVELOPMENT DEPARTMENT ADMINISTRATIVE DIVISION**

Removed from the agenda at the request of staff.

**(5E) REQUEST CITY MANAGER TO IDENTIFY FUNDING SOURCES FOR THE PROPOSED FRESNO CITY POLICE MEMORIAL - COUNCILMEMBER MATHYS**

**1. \* RESOLUTION - 29<sup>TH</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$3,800 OF DISTRICT 3'S AND \$3,800 OF DISTRICT 4'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE FRESNO CITY POLICE MEMORIAL - COUNCILMEMBERS RONQUILLO AND STEITZ**

City Clerk Klisch corrected the resolution to indicate District 2 instead of 3 with Councilmember Mathys' name instead of Ronquillo. So noted and corrected.

**(5:30 P.M.) HEARING ON PLAN AMENDMENT NO. A-99-21, REZONING APPLICATION NO. R-99-32 AND RELATED ENVIRONMENTAL ASSESSMENT NO. A-99-21/-99-32, FILED BY SCOTT ELLIS, PROPERTY LOCATED ON THE NORTH SIDE OF E. SHEPHERD BETWEEN N. CEDAR AND N. MAPLE AVENUES (REQUEST TO CONTINUE TO 9/19/00, AT 5:30 P.M.)**

Acting President Bredefeld questioned why the issue was being continued 30+ days and not one or two weeks, stated he understood a possible agreement was close, and made a motion to continue the hearing one week. Mr. Yovino stated his department was requesting a 2-week continuance and explained, and City Attorney Montoy clarified why her office was requesting a 30+ day continuance. Councilmember Ronquillo left the dais at 2:00 p.m.

Discussion ensued on whether one week was feasible for staff to report back with a recommendation, why the hearing was not being held this date as scheduled, political pressure by the media on the issue, and why the access points issue was not brought to Council's attention prior to the Planning Commission, with Mr. Yovino, Ms. Montoy and Interim Manager Souza responding to questions and concerns.

On motion of Acting President Bredefeld, seconded by Councilmember Steitz, duly carried, RESOLVED, the hearing on Plan Amendment No. A-99-21, Rezoning Application No. R-99-32, and related Environmental Assessment No. A-99-21/-99-32, filed by Scott Ellis, continued to August 22, 2000, at 5:30 p.m., by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	Boyajian
Absent	:	Ronquillo

**REQUEST STAFF TO SET HEARING TO NAME PARK AT FORKNER AND HERNDON AVENUES AFTER THE MACHADO FAMILY - COUNCILMEMBER MATHYS**

Hearing set for September 19<sup>th</sup> at 10:30 a.m. Upon question of Councilmember Perea, City Attorney Montoy advised a policy on the naming parks and buildings was currently in place and would be submitted to Council.

On motion of Councilmember Steitz, seconded by Councilmember Mathys, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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#### **CONSENT CALENDAR:**

**(1A-11) \* RESOLUTION - 26<sup>TH</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$19,500 FOR THE PURCHASE AND PLANTING OF OLIVE TREES ON PEACH AVENUE, SOUTH OF BUTLER AVENUE**

Laid over one week at the direction of Councilmember Quintero who stated he wanted to look into other funding sources, with Councilmember Perea recommended looking into salary savings within the Parks and Recreation Department.

**ADOPT CONSENT CALENDAR:**

**(1A-1) \* RESOLUTION NO. 2000-227 - 23<sup>RD</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$8,800 OBTAINED FROM THE STATE CENTER COMMUNITY COLLEGE DISTRICT (FRESNO CITY COLLEGE) FOR REIMBURSEMENT OF INSTRUCTIONAL HOURS**

**(1A-4) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO (2) ONE-YEAR EXTENSIONS TO MYERS BROS. WELL DRILLING, INC. IN THE ESTIMATED AMOUNT OF \$440,511.40 FOR DRILLING, DEVELOPING AND TESTING PRODUCTION WELLS**

**(1A-6) DETERMINING THAT GOLDEN STATE PETERBILT IS NON-RESPONSIVE TO THE SPECIFICATIONS; AND AWARD A CONTRACT TO CENTRAL VALLEY TRUCK CENTER IN THE AMOUNT OF \$248,062 FOR THE PURCHASE OF TWO (2) NEW REAR LOADING REFUSE TRUCKS**

**(1A-8) DECLARING OFFICE DEPOT BSD NON-RESPONSIVE TO THE SPECIFICATIONS FOR THEIR BID FOR THE HON CHAIR; AND AWARD A CONTRACT TO OFFICE FURNITURE USA IN THE AMOUNT OF \$18,693.55 FOR TASK CHAIRS FOR THE FRESNO POLICE DEPARTMENT**

**(1A-9) AUTHORIZE THE PURCHASING DIVISION TO ACCEPT FACSIMILE COPIES OF PROPERLY EXECUTED BID BONDS FOR FORMAL BIDS, PROVIDED THE ORIGINAL IS PROVIDED TO THE CITY WITHIN 24 HOURS; AND AWARD A CONTRACT TO OFFICE DEPOT, BSD IN THE AMOUNT OF \$34,480.51 TO PROVIDE WORKSTATIONS AND KEYBOARDS IN THE POLICE DEPARTMENT**

**(1A-10) RESOLUTION NO. 2000-228 - CONCERNING LOCAL TRANSPORTATION PURPOSE FUNDS MEASURE "C", AND AUTHORIZING THE CITY MANAGER TO EXECUTE LOCAL TRANSPORTATION PURPOSES CERTIFICATIONS AND CLAIM FORM**

**(1A-12) \* RESOLUTION NO. 2000-229 - 24<sup>TH</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$30,100 FOR PROVIDING INCREASED GROUNDS AND LANDSCAPE MAINTENANCE FOR THE FRESNO MUNICIPAL SERVICE CENTER**

**(1A-13) APPROVE A LEASE AGREEMENT WITH THE CENTRAL CALIFORNIA FORUM ON REFUGEE AFFAIRS FOR USE OF A VACANT PARK SITE AS A COMMUNITY GARDEN AT BELMONT AND DEWITT AT \$1.00 PER YEAR, SUBJECT TO CITY ATTORNEY REVIEW OF THE LEASE**

On motion of Acting President Bredefeld, seconded by Councilmember Mathys, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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**(5A) CONSIDER APPROVAL OF A COUNCIL OVERRIDE VOTE OF RESOLUTION NO. 2000-212 VETOED BY MAYOR PATTERSON ON 7/31/00 - COUNCILMEMBER MATHYS**

**1. RESOLUTION NO. 2000-212 - 12<sup>TH</sup> AMENDMENT TO AAR 2000-183 INCREASING COUNCIL INFRASTRUCTURE BUDGETS TO \$140,000 PER DISTRICT**

Councilmember Ronquillo returned to the meeting at 2:17 p.m. Councilmember Mathys gave a brief overview of the issue, stated the funds were necessary to respond to constituents more quickly, and made a motion to override the Mayor's veto.

Barbara Hunt, 944 "F" Street, spoke to the issue.

Councilmember Mathys questioned the time line to act on the issue, was informed August 29<sup>th</sup> would be the last day to act on the veto, and withdrew his motion, whereupon President Boyajian made a motion.

On motion of President Boyajian, seconded by Acting President Bredefeld, duly carried, RESOLVED, the Mayoral veto of Resolution No. 2000-212 hereby overridden and adoption of Resolution No. 2000-212 reaffirmed, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Boyajian
Noes	:	None
Absent	:	None
Abstain	:	Steitz

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**(5C) CONSIDER APPROVAL OF A COUNCIL OVERRIDE VOTE OF ORDINANCE NO. 2000-49 VETOED BY MAYOR PATTERSON JULY 31, 2000 - ACTING PRESIDENT BREDEFELD**

**1. ORDINANCE NO. 2000-49 - REPEALING ORDINANCE 80-108, AS AMENDED IN ORDINANCE NOS. 86-73, 91-18, 95-97 AND 96-98, AND ADOPTING ORDINANCE SETTING FORTH THE COMPENSATION OF ELECTIVE OFFICERS**

A motion to override the Mayor's veto was made and acted upon after discussion.

**(3 - 0)** Councilmember Ronquillo commented on the increase in the Mayor's salary relative to how he was lobbied and why he supported it; referencing the Mayor's veto message stated the Mayor did not seek adequate public input or an independent review for his raise; and reiterated the increase would benefit future Councils.

Councilmember Perea stated he too was upset with the tone of the Mayor's veto message and questioned the appropriateness of the Mayor's appearance on a radio talk show this date, with Interim City Manager Souza responding to comments and clarifying issues relative to the Mayor's duties and salary.

Acting President Bredefeld stated the current salary issue had been public and out in the open; stressed the City Council conducted serious business which affected peoples' lives and they should be adequately compensated; concurred the Mayor had lobbied many Councilmembers very hard for his increase; and spoke in support of the increase stating it the right thing to do for future Councils.

On motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Mayoral veto of Ordinance No. 2000-49 hereby overridden and adoption of Ordinance No. 2000-49 reaffirmed, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Mathys, Steitz
Absent	:	None

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**(5D) DETERMINATION TO HOLD A PUBLIC HEARING TO REVIEW THE PLANNING COMMISSION'S ACTION ON CUP NO. C-00-127, FILED BY XENG MOUA AND ED ERGANIAN, TO AUTHORIZE THE SALE OF ALCOHOLIC BEVERAGES AT 335 W. OLIVE AVENUE - COUNCILMEMBER RONQUILLO**

Councilmember Ronquillo briefly reviewed the issue and requested a hearing be set. Brief discussion ensued on the date and time.

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, a hearing to review the Planning Commission's action on CUP No. C-00-127, filed by Xeng Moua and Ed Erganian, hereby set for September 19<sup>th</sup> at 4:00 p.m., by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(5E) REQUEST CITY MANAGER TO IDENTIFY FUNDING SOURCES FOR THE PROPOSED FRESNO CITY POLICE MEMORIAL - COUNCILMEMBER MATHYS**

**1. \* RESOLUTION NO. 2000-230 - 29<sup>TH</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$3,800 OF DISTRICT 2'S AND \$3,800 OF DISTRICT 4'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE FRESNO CITY POLICE MEMORIAL - COUNCILMEMBERS MATHYS AND STEITZ**

Councilmember Mathys briefly reviewed the issue and requested Council's support.

Speaking to the issue was: Barbara Hunt, 944 "F" Street, opposed; Larry Bertao, President, Fresno Police Officers Association, support; and Richard Morgan, support.

Discussion ensued with Councilmember Perea recommending staff concentrate on the Police Department's budget for any remaining funds needed. Acting President Bredefeld noted he had made a commitment and questioned why he was not included with Budget Manager Bruney responding an additional resolution pertaining to District 6 would be back in one week. Councilmember Ronquillo spoke in support of the memorial and concurred with Councilmember Perea that the City Manager needed to determine a funding source. President Boyajian emphasized direction was given to staff two months ago to locate funding and expressed his concern stating Council was being pitted against the Police Department and he was tired of the games being played.

On motion of Councilmember Mathys, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled Resolution No. 2000-230 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

On motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, staff to return with a resolution in one week appropriating funds from District 6's infrastructure budget, and in addition, District 6 to appropriate any remaining funds needed in the event the City Manager cannot identify a funding source, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(5F) \* RESOLUTION NO. 2000-231 - 30<sup>TH</sup> AMENDMENT TO AAR 20-183 APPROPRIATING \$4,600 OF DISTRICT 3'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE FRESNO CROSS CITY RACE (\$2,500) AND ALL AMERICA CITY DELEGATE'S POLO SHIRTS (\$2,100) - COUNCILMEMBER RONQUILLO**

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 2000-231 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

Barbara Hunt, 944 "F" Street, spoke in opposition. Councilmember Steitz briefly left the dais at 2:53 p.m.

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**(5G) REQUEST FOR STATUS REPORT ON FOUR (4) FIREFIGHTERS - PRESIDENT BOYAJIAN**

Brief oral report given by Assistant DAS Director Gargiulo and Human Resources Manager Chavez who also responded to questions relative to number of vacancies and when they would be filled. Councilmember Steitz returned to the meeting at 2:57 p.m. There was no further discussion.

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**REQUEST TO CONSIDER THE 2:35 P.M. HEARING AT THIS TIME - COUNCILMEMBER PEREA**

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the 2:35 P.M. hearing to be heard at this time (prior to contested Consent items), by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Steitz
Absent	:	None

(10:15 A.M. / 2:35 P.M.) CONTINUED HEARING PURSUANT TO THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) OF 1982 REGARDING THE PROPOSED ISSUANCE OF TAX-EXEMPT SECURITIES ON BEHALF OF THE COMMUNITY HOSPITALS OF CENTRAL CALIFORNIA OBLIGATED GROUP

**1. RESOLUTION NO. 2000-232 - APPROVING A CERTIFICATE OF PARTICIPATION FINANCING FOR THE COMMUNITY HOSPITALS OF CENTRAL CALIFORNIA OBLIGATED GROUP TO FUND A CAPITAL EXPANSION PROGRAM**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Assistant Controller Carlton briefly reviewed the issue and recommended adoption of the resolution. A motion and second were made to approve staff's recommendation.

Barbara Hunt, 94 "F" Street, spoke to the issue.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 200-232 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(2:00 P.M.) CONTESTED CONSENT CALENDAR ITEMS:**

**(1A-3) REJECT ALL BIDS RECEIVED FOR TWO (2) TURF TRACTORS AND AWARD A CONTRACT FOR ONE (1) AG TRACTOR**

Purchasing Manager Taggart responded to questions of Councilmember Steitz relative to contracting out weed abatement services and need for the ag tractor.

On motion of Councilmember Steitz, seconded by Councilmember Quintero, duly carried, RESOLVED, all bids received for two (2) Turf Tractors hereby rejected and staff directed to revise the specifications and rebid the project; and a contract for one (1) Ag Tractor awarded to Fresno Equipment Co. in the amount of \$29,115.46, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(1A-5) AWARD A CONTRACT TO FURNISH AND INSTALL A CARWASH**

Purchasing Manager Taggart and Interim City Manager Souza responded to questions of Acting President Bredefeld relative to the car wash and police vehicles patronizing a detailing business (Executive Detail) in the past.



On motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, a contract to furnish and install a carwash hereby awarded to Interclean Equipment, Inc. for Alternate A only in the amount of \$65,149.15, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(1A-16) APPROVE WRITTEN DISCLOSURE OF CONFLICT OF INTEREST BY LAW FIRM OF DOWLING, AARON & KEELER AND AUTHORIZE THE CITY ATTORNEY TO EXECUTE WRITTEN WAIVER OF CONFLICT, PURSUANT TO CALIFORNIA RULES OF PROFESSIONAL RESPONSIBILITY, REGARDING AMERIPRIDE SERVICES, INC., PROPERTY EXCHANGE AND BNSF/SHAW-MARKS GRADE SEPARATION PROJECT**

Upon question of Acting President Bredefeld, City Attorney Montoy explained the conflict and stated staff supported the waiver.

On motion of Acting President Bredefeld, seconded by Councilmember Steitz, duly carried, RESOLVED, the written disclosure of the conflict of interest by the law firm of Dowling, Aaron & Keeler hereby approved, and the City Attorney authorized to execute a written waiver of the conflict as to the matters identified in the staff report, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(1A-7) AWARD A CONTRACT FOR PAVEMENT RECYCLING OF VARIOUS STREETS WITHIN THE CITY OF FRESNO, FALL 2000**

City Engineer Salazar responded to questions of President Boyajian relative to the streets that would be paved and how they were selected.

Barbara Hunt, 944 "F" Street, spoke to the issue.

On motion of President Boyajian, seconded by Councilmember Quintero, duly carried, RESOLVED, a contract for Fall 2000 pavement recycling of various streets within the City of Fresno hereby awarded to M. J. Menefee Construction in the amount of \$1,001,728.07, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(1A-14) \* RESOLUTION NO. 2000-233 - 1<sup>ST</sup> AMENDMENT TO SALARY RES. 2000-186 AMENDING THE SALARY RANGES OF THREE (3) CLASSES: PLANNER I, PLANNER II AND PLANNER III**

Upon question of President Boyajian, **(4 - 0)** Development Director Yovino clarified the purpose of the resolution, who it would affect, and the fiscal impact.

Barbara Hunt, 944 "F" Street, spoke in support.

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2000-233 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(1B-1) BILL NO. B-52 - TEXT AMENDMENT NO. TA-00-04 - AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE AND RELATED ENVIRONMENTAL FINDINGS, PROPOSING TO REMOVE THE RESTRICTION OF OFFICES ON THE GROUND FLOOR ONLY IN THE R-P DISTRICT - SECTION 12-215.1-c**  
**1. HEARING TO CONSIDER ADOPTION SET FOR AUGUST 22, 2000**

Planning Manager Beach responded to questions of Councilmember Steitz relative to the purpose of the amendment and necessity of a CUP for increase in heights. Councilmembers Bredefeld, Quintero and Ronquillo briefly the meeting at 3:16 p.m.

On motion of Councilmember Steitz, seconded by Councilmember Mathys, duly carried, RESOLVED, the above entitled Bill No. B-52 introduced before the Council and laid over to August 22, 2000, by the following vote:

Ayes	:	Mathys, Perea, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld, Quintero, Ronquillo

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Councilmember Ronquillo returned to the meeting at 3:17 p.m.

**(2:25 P.M.) REQUEST BY MAYOR PATTERSON FOR COUNCIL TO RECONSIDER ACTION DENYING ADOPTION OF THE 3<sup>RD</sup> AMENDMENT TO THE POSITION ALLOCATION RESOLUTION (PAR) ADDING FOUR (4) POSITIONS TO THE POLICE DEPARTMENT FOR THE PROPERTY AND EVIDENCE ROOM**  
**1. RESOLUTION - 3<sup>RD</sup> AMENDMENT TO PAR NO. 2000-184 ADDING FOUR (4) POSITIONS TO THE POLICE DEPARTMENT (ONE TO THE BUSINESS OFFICE AND THREE TO THE PROPERTY AND EVIDENCE ROOM)**

Interim City Manager Souza reviewed the issue stating staff followed prior direction and identified funding from within the Police Department; advised Council authorization was needed to add the four positions; and advised the department would have to identify and reclass other existing positions if authority was not granted which could include public safety positions as well as sworn officers. Councilmembers Bredefeld and Quintero returned to the meeting at 3:18 and 3:19 p.m. respectively.

Barbara Hunt, 944 "F" Street, spoke in support of the resolution.

Chief Winchester reiterated staff had identified funding within his department as directed but could not add the four positions without Council's authorization and requested approval.

Mr. Souza and Chief Winchester responded to questions of Councilmember Steitz relative to whether any contingency fund would be affected, what the action plan was for the property room, and if sworn officers from off the street would be affected if authorization was not given. Councilmember Steitz emphasized Chief Winchester had presented a solution to the property room problem and thanked him, stated if authorization was not given it would be bad for the community, and made a motion to approve the resolution, which was seconded by Councilmember Mathys.

Chief Winchester responded to questions of Councilmember Mathys relative to which division within his department was the most critical, the importance of evidence for trials, reason for the requested positions, and the amount of cash taken in as evidence. Councilmember Mathys stated he understood Council's concerns on the need to be accountable adding the department had been, and stated he hoped Council would support the department.

Councilmember Ronquillo stated Council was trying to balance the budget, referenced a memo sent out by the Mayor on the issue stating it was a scare tactic, and questioned whether any existing positions had been "cannibalized" when necessary funds had been identified and whether sworn officers would be taken from the streets to address the problem, with Chief Winchester responding and reiterating the four positions were needed to get the job done.

Councilmember Perea stated the budget committee was looking for movement of dollars within the department to fix the problem stating although funds were found the addition of positions would cost money next fiscal year, and commented on the issue of police officers hired with federal dollars stating past Council concerns had "come home to roost" this year and he would not support new positions until the system was fixed and explained.

Mr. Souza responded to comments made relative to cannibalization and stressed the City needed to act now and not wait until the system was fixed and explained. Councilmember Steitz reiterated the grand jury stated a solution was needed, emphasized the Chief came up with a solution to this important issue, and called for the question. Chief Winchester and President Boyajian responded to questions of Acting President Bredefeld relative to the general fund being the original funding source, funds now identified within the department, funding for public relations, sworn officers moved from the DARE Program, and impact to the department if positions are not approved and if officers would be taken off the street to address the problem. Acting President Bredefeld made a motion to lay the matter over one week to allow Councilmembers Perea and Ronquillo to further dialog with Chief Winchester on their concerns.

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the matter continued one week to allow for further dialog between staff and Council on Councilmember concerns, by the following vote:

Ayes : Bredefeld, Mathys, Quintero, Ronquillo, Steitz  
 Noes : Perea, Boyajian  
 Absent : None

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(10:00 A.M. / 2:30 P.M.) CONTINUED HEARING ON CITY OF FRESNO COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 22 - TRACT NO. 4944

**1. RESOLUTION NO. 2000-234 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**

**2. RESOLUTION NO. 2000-235 - CALLING A SPECIAL MAILED-BALLOT ELECTION**

**3. RESOLUTION NO. 2000-236 - DECLARING ELECTION RESULTS**

**4. \* BILL NO. B-53 - ORDINANCE NO. 2000-53 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2000-2001 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 22, CITY OF FRESNO, CALIFORNIA**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. City Engineer Salazar briefly reviewed the issue as contained in the staff report and recommended adoption of the resolutions and ordinance bill.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution Nos. 2000-234, 2000-235 and 2000-236 hereby adopted, and the above entitled Bill No. B-53 adopted as Ordinance No. 2000-53, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian  
 Noes : Mathys  
 Absent : None

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**(2:40 P.M.) APPEARANCE BY BOB BROWN, VETERANS STAND DOWN, TO DISCUSS CONCERNS OF HOMELESS VETERANS AND REQUEST ASSISTANCE IN FUNDING A SHELTER FOR HOMELESS VETS DURING THE WINTER - COUNCILMEMBER QUINTERO**

Councilmember Quintero gave a brief overview and upon calling upon Mr. Brown and noting Mr. Brown had been present earlier continued the matter to after the next item.

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(10:30 A.M./2:45 P.M.) CONTINUED HEARING ON REZONING APPLICATION NO. R-00-18 AND RELATED ENVIRONMENTAL FINDINGS, FILED BY TREND HOMES, INC., PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. POLK AND W. BULLARD AVENUE

**1. CONSIDER ENVIRONMENTAL ASSESSMENT/MITIGATED NEGATIVE DECLARATION NO. R-00-18**

**2. BILL NO. B-54 - ORDINANCE NO. 2000-54 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-3/UGM/CZ AND R-A/UGM TO R-1/BA-15/UGM**

**(5 - 0)** President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Lewis briefly reviewed the issue as contained in the staff report, recommended approval, and responded to questions of Councilmember Ronquillo relative to zoning and the project being a down-zoned in-fill project.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Ronquillo, seconded by, Acting President Bredefeld, duly carried, RESOLVED, the Mitigated Negative Declaration for Environmental Assessment No. T-4961/R-00-018 hereby approved, and the above entitled Bill No. B-54 adopted as Ordinance No. 2000-54, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(2:40 P.M.)** APPEARANCE BY BOB BROWN, VETERANS STAND DOWN, TO DISCUSS CONCERNS OF HOMELESS VETERANS AND REQUEST FOR ASSISTANCE IN FUNDING A SHELTER FOR HOMELESS VETERANS DURING THE WINTER - COUNCILMEMBER QUINTERO (*CONTINUED FROM EARLIER*)

Laid over one week at the direction of Councilmember Quintero due to Mr. Brown's absence.

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**(2:50 P.M.)** CONTINUED HEARING ON ASSESSMENTS FOR COSTS INCURRED BY THE CITY FOR WEED DISCING, TRASH AND DEBRIS REMOVAL, AND CODE ENFORCEMENT ACTIONS FOR FISCAL YEARS 1997, 1998, 1999 AND 2000

President Boyajian announced the time had arrived to consider the issue and opened the hearing. HNR Director Quiring reviewed the issue and stated revisions were still being made to the assessment list, and requested Council adopt the revised list.

Councilmember Quintero requested assessments on APN 480-030-43 and APN 472-040-25 through -28 be withdrawn, with City Attorney Montoy responding to questions relative to process and options.

Martin Garabedian, 3744 W. Atwater, spoke in opposition to his assessments and displayed photographs, with Ms. Quiring and Neighborhood Services Specialist Rader responding. Councilmember Ronquillo left at 4:17 p.m. and was absent for the remainder of the meeting.

Discussion ensued on the process, how disputed assessments would be handled this date, and Council's authority over the assessments, with City Attorney Montoy and Interim City Manager Souza responding to questions.

Councilmember Quintero made a motion to waive assessments for Case No. 1 and Case Nos. 18 through 21 as identified in and a part of the staff report, which motion died for lack of a second. Councilmember Quintero left at 4:39 p.m. and was absent for the remainder of the meeting.

Discussion continued on the process, noticing requirements, withdrawing assessments in dispute, forming a Council subcommittee to review disputed assessments (**6 - 0**), and referring them to the City's Administrative Officer, with Mr. Souza and Ms. Montoy responding to questions.

Ms. Montoy reiterated her recommendation to adopt the resolved assessments and continue those still in dispute, and stated staff would report back in 2 - 3 weeks with options. Mr. Souza also recommended those disputed be named and staff would meet with the City's Hearing Officer, if allowed by the code and the process for administrative hearings, with the understanding that the assessments would *not* be included in this year's tax roll with worst case scenario being assessments rolling over to next years tax roll.

On motion of Acting President Bredefeld, seconded by President Boyajian, duly carried, RESOLVED, the list of assessments to the Assessment Report which was forwarded to the Fresno County Tax Assessor on July 26, 2000, hereby confirmed and adopted, *as revised*, by deleting remaining disputed assessments and referring them to staff and the City's Hearing Officer, if allowed, for a report back with options, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Steitz, Boyajian
Noes	:	None
Absent	:	Quintero, Ronquillo

President Boyajian announced for the record those being removed from the assessment list were: Richard Morgan, Dr. Stanley Lindquist, Richard Smith, Bertha Warren, Arthur Amerian, Martin Garabedian, Surrinder Dhah, and Julius Aluisi.

Dr. Lindquist stated his concern was how cases were handled and not the assessment.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

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**(3B) APPROVE THE ELAINE R. LONG CARDROOM MANAGEMENT/POINTHOLDER PERMIT APPLICATION - CLUB ONE, INC.**

Tabled one week.

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(10:45 A.M. / **3:00 P.M.**) CONTINUED HEARING ON REZONING APPLICATION NO. R-99-47, AMENDMENT TO OFFICIAL PLAN LINE SERIAL NO. 90-04, AND RELATED ENVIRONMENTAL ASSESSMENT NO. R-99-47/C-99-178, FILED BY WESTLANDS HOTELS, PROPERTY LOCATED ON THE NORTH SIDE OF E. SHAW BETWEEN FREEWAY 41 AND N. FRESNO STREET

**1. CONSIDER MITIGATED NEGATIVE DECLARATION PREPARED FOR E.A. R-99-47/C-99-178**

**2. BILL NO. B-55 - ORDINANCE NO. 2000-55 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-P/BA-30/CZ TO C-P/BA-30**

**3. BILL NO. B-56 - ORDINANCE NO. 2000-56 - AMENDING THE OFFICIAL PLAN LINE FOR E. SHAW, E. SAN JOSE, N. THESTA AND N. FRESNO STREET**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach reviewed the staff report as submitted and recommended approval stating the rezoning would correct a decision made 10 years ago.

Speaking to the issue was: Dirk Poeschel, representing the applicant, who requested Council's support noting there was no opposition at the Planning Commission; and Barbara Hunt, 944 "F" Street.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Steitz, seconded by Councilmember Mathys, duly carried, RESOLVED, the Mitigated Negative Declaration hereby adopted, and the above entitled Bill Nos. B-55 and B-56 adopted as Ordinance Nos. 2000-55 and 2000-56, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Steitz, Boyajian
Noes	:	None
Absent	:	Quintero, Ronquillo

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(11:15 A.M. / 3:30 P.M.) CONTINUED HEARING TO CONSIDER ADOPTION OF TEXT AMENDMENT NO. TA-00-03, ADDING BANQUET AND/OR CONFERENCE FACILITIES AS PERMITTED USES IN THE M-1-P ZONE DISTRICT

**1. \* BILL NO. B-48 - ORDINANCE NO. 2000-57 - TEXT AMENDMENT NO. TA-00-03 - AMENDING THE TEXT OF THE FRESNO MUNICIPAL AND RELATED ENVIRONMENTAL FINDINGS, BY ADDING BANQUET AND/OR CONFERENCE FACILITIES AS PERMITTED USES, SUBJECT TO A CONDITIONAL USE PERMIT (CUP), IN THE M-1-P ZONE DISTRICT (SECTION 12-225.3-B)**

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Planner Stiglich reviewed the issue as contained in the staff report, noted the only concern voiced related to parking which was already addressed in the code, and recommended approval. A motion was made to approve staff's recommendation. Mr. Stiglich and Planning Manager Beach responded to questions of Councilmember Perea relative to whether the facilities were mostly centered downtown, if this would allow for further expansion and more facilities, and reason for the text amendment.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Steitz, seconded by President Boyajian, duly carried, RESOLVED, the "No Possibility of Significant Adverse Effects" prepared for Environmental Assessment No. TA-00-03 hereby adopted; and the above entitled Bill No. B-48 adopted as Ordinance No. 2000-57, by the following vote:

Ayes	:	Bredefeld, Mathys, Steitz, Boyajian
Noes	:	Perea
Absent	:	Quintero, Ronquillo

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**(3:45 P.M.) HEARING RELATING TO THE PROPOSED FEES FOR THE NORTHEAST FRESNO POLICE SUBSTATION**

- 1. \* RESOLUTION NO. 2000-237 - 373<sup>RD</sup> AMENDMENT TO MFS RES. 80-420 ESTABLISHING A POLICE SUBSTATION FEE FOR NORTHEAST FRESNO**
- 2. CONSIDER CEQA FINDING OF STATUTORY EXEMPTION**
- 3. APPROVE THE STATEMENT OF FINDINGS**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Development Director Yovino stated this was a follow-up item and recommended the findings be made and adopted along with the resolution. Councilmember Steitz left at 5:04 p.m. and was absent for the remainder of the meeting. A motion was made to adopt staff's recommendation.

Mr. Yovino responded to questions of Councilmembers Perea and Bredefeld relative to time line for construction to begin and when the lease would be brought to Council. President Boyajian stated he supported the issue to some degree but did not support the 20% fee emphasizing developers should be paying more.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Bredefeld, seconded by Councilmember Mathys, duly carried, RESOLVED, the Finding of Statutory Exemption hereby adopted, the State of Findings approved, and the above entitled Resolution No. 2000-237 adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea
Noes	:	Boyajian
Absent	:	Quintero, Ronquillo, Steitz

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**(4:00 P.M.) APPEARANCE BY BARBARA HUNT REQUESTING COUNCIL ACTION RELATIVE TO CONTRACTING OUT TO COMPLETE CITY PROJECTS AND PROCESS OF ADVERTISING OPENINGS FOR CITY JOBS**

Laid over one week at the request of Ms. Hunt.

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**(3A) \* BILL NO. B-49 - AMENDING SECTION 3-109.2 OF THE FRESNO MUNICIPAL CODE RELATING TO CONSTRUCTION PROJECT MANAGEMENT SERVICE**

City Attorney Montoy gave a brief overview of the issue and upon question of Councilmember Perea responded the ordinance was not needed and was contrary to the City Charter. A motion and second to deny the ordinance was made and acted upon after brief comments by Interim City Manager Souza who stated the matter was brought forward as a needed tool to have in place for the stadium project.

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Bill No. B-49 denied, by the following vote:



Ayes : Bredefeld, Mathys, Perea, Boyajian  
Noes : None  
Absent : Quintero, Ronquillo, Steitz

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**(5B) PROPOSED APPOINTMENT OF JEFF ARGYILAN TO THE BULLARD IMPLEMENTATION COMMITTEE - COUNCILMEMBER MATHYS**

Removed from the agenda.

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**UNSCHEDULED ORAL COMMUNICATIONS:**

**APPEARANCE BY BARBARA HUNT REGARDING THE WEST FRESNO PRELIMINARY PLAN**

No action taken.

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**ADJOURNMENT**

There being no further business to bring before the Council, the hour of 5:20 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the 22<sup>nd</sup> day of August, 2000.

ATTEST:

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Tom Boyajian, Council President

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Yolanda Salazar, Assistant City Clerk

